REMARKS

Claims 1-7, 24-30, and 32-33 were previously pending in this patent application. Claims 24-30 stand rejected. Claims 1-7 and 32-33 are allowable. Herein, Claims 24 and 28 have been amended. Support for the amendments is found on pages 39-40 of the Specification. Accordingly, after this Amendment and Response, Claims 1-7, 24-30, and 32-33 remain pending in this patent application. Further examination and reconsideration in view of the claims, remarks and arguments set forth below is respectfully requested.

35 U.S.C. Section 102(e) Rejections

Claims 24-26 and 28-30 stand rejected under 35 U.S.C. 102(b) as being anticipated by McCall et al., U.S. Patent Application Publication No. US2002/0188522 (hereafter McCall). These rejections are respectfully traversed. On page 3 of the Office Action, it appears that "32" actually refers to "30".

Independent Claim 24 recites (as amended):

In a portable electronic device connected to a wireless communication link, said portable electronic device corresponding to a user, a method for said portable electronic device to supply geographically distributed data comprising:
receiving a command from said user to automatically capture data and *receiving one or more data types from said user,*
if a data type of said data to be captured is one of said received data types, automatically capturing said data;
transmitting said automatically captured data and wherein said automatically captured data comprises location data of said portable electronic device; and

sending a verifiable identity of said portable electronic device.
(emphasis added)

It is respectfully asserted that McCall does not disclose the present invention as recited in Independent Claim 24. In particular, Independent Claim 24 recites the limitations, "*receiving one or more data types from said user*," (emphasis added), and, "*if a data type of said data to be captured is one of said received data types, automatically capturing said data*," (emphasis added). In contrast, McCall is silent as to whether data types are received from the user and is silent at to whether the received data types determine what data is captured. Thus, McCall <u>fails</u> to disclose receiving one or more data types from the user and <u>fails</u> to disclose if a data type of the data to be captured is one of the received data types, automatically capturing the data, as in the invention of Independent Claim 24. Therefore, it is respectfully submitted that Independent Claim 24 is not anticipated by McCall and is in condition for allowance.

Dependent Claims 25-26 are dependent on allowable Independent Claim 24, which is allowable over McCall. Hence, it is respectfully submitted that Dependent Claims 25-26 are patentable over McCall for the reasons discussed above.

With respect to Independent Claim 28, it is respectfully submitted that Independent Claim 28 recites similar limitations as in Independent Claim 24. In

particular, Independent Claim 28 recites the limitations, *"receiving one or more data types from said user*," (emphasis added), and, "...*if a data type of said data to be captured is one of said received data types*, automatically capturing said data at each said start time," (emphasis added). As discussed above, McCall fails to disclose these cited limitations. Therefore, Independent Claim 28 is not anticipated by McCall and is allowable for reasons discussed in connection with Independent Claim 24.

Dependent Claims 29-30 are dependent on allowable Independent Claim 28, which is allowable over McCall. Hence, it is respectfully submitted that Dependent Claims 29-30 are patentable over McCall for the reasons discussed above.

35 U.S.C. Section 103(a) Rejections

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over McCall et al., U.S. Patent Application Publication No. US2002/0188522 (hereafter McCall), in view of McDonnell et al., U.S. Patent No. 6,799,032 (hereafter McDonnell). This rejection is respectfully traversed.

Dependent Claim 27 is dependent on allowable Independent Claims 24, which is allowable over McCall. Moreover, McDonnell does not teach, motivate, or suggest receiving one or more data types from the user and fails to teach, motivate, or suggest if a data type of the data to be captured is one of the

received data types, automatically capturing the data, as in the invention of Independent Claim 24. Hence, it is respectfully submitted that Independent Claim 24 is patentable over the combination of McCall and McDonnell for the reasons discussed above. Since Dependent Claim 27 depends from Independent Claim 24, it is respectfully submitted that Dependent Claim 27 is patentable over the combination of McCall and McDonnell for the reasons discussed above.

CONCLUSION

It is respectfully submitted that the above claims, remarks, and arguments overcome all rejections. All remaining claims (Claims 1-7, 24-30, and 32-33) are neither anticipated nor obvious in view of the cited references. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1-7, 24-30, and 32-33) are in condition for allowance.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

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Dated: 1/30/2006

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